

TSMC-01-617



April 22, 2003

2815
5/9 Election
P. Walker
5-7-03

To: Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attn: Art Unit 2815 - Jesse A. Fenty

From: George O. Saile, Reg. No. 19,572

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Subject: | Serial No.: 10/074,881 02/12/02 |

Jiann-Tyng Tzeng et al.

A NOVEL METHOD TO MONITOR PROCESS
CHARGING EFFECT

| _ Art Group: 2815 Jesse A. Fenty _ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 04/08/03. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 28, 2003.

Stephen B. Ackerman, Reg.# 37761

Signature/Date  4/28/03

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-24 to a method of making semiconductor devices, classified in Class 438, subclass 1+ and Group II - Claims 25-32 to a semiconductor device, classified in Class 257, subclass 500. It is believed, and will be assumed for purposes of election, that the Examiner intended to include Claims 1-23 in Group I, since these are all method claims and Claim 24 in Group II, since this is the product claim.

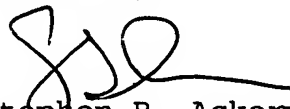
Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-24 drawn to a process classified in Class 438, subclass 1+. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "an electron charge effect monitoring device" and the process Claims are directed to "a method for monitoring electron charge effect occurring during semiconductor processing", it is necessary to obtain

claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 438/1+ and products class 257/500 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, unpatentability of the Group I invention does not necessarily imply unpatentability of the Group II invention, as the Group II invention could be made by a materially different process, for example, by selectively depositing the polysilicon instead of patterning and etching", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'SBA', is written over the printed name.

Stephen B. Ackerman, Reg.# 37761